



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Dupont Circle Advisory Neighborhood Commission 2B

March 12, 2009

Mr. Fred Moosally
Interim Director
Alcoholic Beverage Regulation Administration
941 North Capitol Street, NE
Suite 7200
Washington, DC 20002

Re: Resolution Renewing the Dupont East Liquor Moratorium

Dear Mr. Moosally:

At its regular meeting on March 11, 2009, the Dupont Circle Advisory Neighborhood Commission ("ANC 2B" or "Commission") considered the above-referenced matter advocating a renewal of the Dupont East liquor moratorium. With nine Commissioners present, a quorum at a duly-noticed public meeting, the Commission approved the following motion by a vote of 9 to 0:

Whereas, ANC 2B recognizes the positive effects that the existing moratorium has had on 1) protecting and supporting diverse retail and service establishments serving residents within the Dupont East moratorium zone, allowing for smart growth and a walkable neighborhood; 2) promoting peace, order and quiet in the neighborhood and, and 3) helping to avoid the parking and traffic difficulties evident in nearby entertainment corridors; and

Whereas, the Dupont East liquor moratorium is set to expire on or about April 22, 2009.

1. Therefore, be it resolved, that ANC 2B requests that the Alcoholic Beverage Regulation Administration ("ABRA") renew the existing Dupont East liquor moratorium for a five (5) year period from the date of Board action;

2. Be it further resolved, that ANC 2B is prepared to consider petitioning ABRA to allow for additional Class DR (restaurant serving beer and wine) or Class CR (restaurant serving full bar) licenses after a period of three (3) years;

3. Be it further resolved, that ANC 2B recognizes that controlling moratorium legislation allows for any ANC to petition for a review of any

moratorium after two (2) years, and that ANC 2B would consider this option only in the event that the current economic crisis or other unforeseen occurrence has a devastating impact on the corridor;

4. *Be it further resolved, that* ANC 2B recognizes that JR's Bar and Grill, located at 1519 17th Street, NW, successfully applied for and maintains the right to participate in lateral expansion to the property at 1521 17th Street, NW, separate and apart from any ABRA Board action on the Dupont East moratorium renewal; furthermore, the Commission notes that JR's has had the ability to execute lateral expansion for a number of years and has made a business decision not to, independent of any action or inaction by the Commission;

5. *Be it further resolved, that* a renewed and extended Dupont East moratorium shall allow ANC 2B and ABRA to approve no more than two (2) requests for lateral expansion of existing licenses, between or within historic row houses, subject to strict review of such expansion on the impact of retail and service diversity within the moratorium zone and the impact of such expansion on the peace, order and quiet of the neighborhood. Furthermore, any establishment which is granted lateral expansion shall have no more than one (1) entrance to such establishment, though additional fire exits may be established to bring any expanded establishment into compliance with applicable fire and/or safety codes;

6. *Be it further resolved, that* any entertainment endorsements granted during the established moratorium period shall not include a dance floor for any Class CR (restaurant serving full bar) establishments with less than 1,000 square feet of indoor space allocated for food and beverage service for customers. Furthermore, no entertainment endorsements shall be granted for Class CR (restaurant serving full bar) license holders which would allow for live music, including DJ's, after the establishment's kitchen has closed. Furthermore, license holders of entertainment endorsements issued during the moratorium may not hold entertainment after 11:00 pm for any night of the week, unless the entrances and exists of the establishments are equipped with double door systems designed to minimize sound heard on the street when patrons or staff enter or leave those establishments. The ANC shall support applications for the necessary DCRA, DPW and historic preservation permits to construct such door systems. License holders of any new Class CR (restaurant serving full bar) license(s) granted during the moratorium period shall not be allowed to apply for an entertainment endorsement which allows for more than six (6) promoter's special events within a twelve (12) month period;

7. *Be it further resolved, that* no additional sidewalk café seats or rooftop seats facing 17th Street for establishments along 17th Street between P and Q Streets, NW, will be authorized during the moratorium, including for any new ABC establishments that might be approved during the moratorium period;

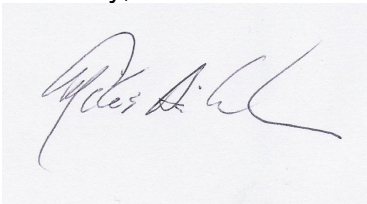
8. Be it further resolved, that ANC 2B encourages existing licensees with establishments adjacent to Stead Park to construct summer gardens overlooking the newly-renovated park and athletic facility. The Commission finds that this would likely result in an immediate improvement in the ambiance and sanitation of the area behind these establishments, particularly if trash compactors are employed. ANC 2B requests that a renewed and extended moratorium not prohibit the ANC from considering and granting requests for additional seats in summer garden(s) overlooking or adjacent to Stead Park from businesses operating licensed establishments within the moratorium zone, so long as the Commission finds that such requests would not have an adverse impact on the peace, order and quiet and sanitation within the moratorium zone; and

9. Be it further resolved, that nothing in a renewed and extended moratorium shall require the ANC to approve moratorium modifications including, but not limited to, lateral expansion(s), additional seats in summer garden(s) overlooking Stead Park, or additional Class CR (restaurant serving full bar) or Class DR (restaurant serving beer and wine) licenses following the two (2) year moratorium modification petition period established by city law, should the ANC find approval of such modifications would be adverse to retail and service diversity or peace, order and quiet of the neighborhood; furthermore, that the approval of any modifications that qualify as a substantial change shall be subject to the approval process established by ABRA.

Jack Jacobson is the Commission's representative on this matter and may be reached at jack.jacobson@dupontcircleanc.net or at 202-251-7644.

ON BEHALF OF THE COMMISSION,

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Silverstein", is written on a light-colored rectangular background.

Mike Silverstein
Chairman